

HOUSE BILL 2381

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 14; Title 67, Chapter 4, Part 16 and Title 68, Chapter 211, relative to tires.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, is amended by adding the following as a new part:

**68-211-1101.**

As used in this part:

- (1) "Department" means the department of environment and conservation;
- (2) "Local government" means a county, metropolitan government, municipality, or other political subdivision of this state;
- (3) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle; and
- (4) "Waste tire hauler" means a person engaged in the transporting of waste tires for the purpose of storage, processing, or disposal.

**68-211-1102.**

(a) Except as authorized by subsection (d), beginning January 1, 2023, a person shall not transport waste tires in this state unless that person has obtained a waste tire hauler permit from the department or, for an interim period to be determined by the department, is in the process of applying to the department for a waste tire hauler permit.

(b) The department shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, requiring all waste tire

haulers to obtain a permit issued by the department. The rules promulgated pursuant to this subsection (b) must set forth the requirements for the issuance, denial, suspension, and revocation of waste tire hauler permits.

(c) The department may:

(1) Promulgate rules, in accordance with the Uniform Administrative Procedures Act, that are necessary to protect human health and the safety of the environment from the adverse effects of improper, inadequate, or unsound transport of waste tires;

(2) Issue, deny, suspend, revoke, or modify waste tire hauler permits under such conditions as the department may prescribe, pursuant to procedures consistent with the Uniform Administrative Procedures Act, for the management of waste tire hauling; and

(3) Conduct inspections and investigations, and obtain records of waste tire hauling activities.

(d) A waste tire hauler permit is not required for the transportation of waste tires under a program for which the department has awarded a grant under § 68-211-305(b)(1).

**68-211-1103.**

(a) It is a Class C misdemeanor offense for a person to transport waste tires in this state without a waste tire hauler permit, unless the person is exempt from the permit requirement under § 68-211-1102(a) or (d), or the department's rules.

(b) The department shall maintain a registry of persons whose permit to haul waste tires has been revoked or suspended. The department shall regularly update the registry. The department shall publish the registry on its website.

**68-211-1104.**

In addition to a power, duty, or responsibility given to the commissioner of the department under this part, the commissioner has the power, duty, and responsibility to bring suit in the name of the department for a violation of this part, seeking a remedy provided in this part, and any other statutory or common law remedy available for the control, prevention, and abatement of the illegal transport of waste tires in this state.

SECTION 2. Tennessee Code Annotated, Section 67-4-1602, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Used tire" means a tire that has been previously used in the regular operation of a motor vehicle;

SECTION 3. Tennessee Code Annotated, Section 67-4-1602, is amended by deleting the language "new tires" wherever it appears and substituting instead the language "new tires or used tires".

SECTION 4. Tennessee Code Annotated, Section 67-4-1603(a), is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 5. Tennessee Code Annotated, Section 67-4-1605, is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 6. Tennessee Code Annotated, Section 67-4-1606(b), is amended by deleting the language "new tires" and substituting instead the language "new tires and used tires".

SECTION 7. Tennessee Code Annotated, Section 67-4-1609, is amended by deleting the language "new tires" and substituting the language "new tires or used tires".

SECTION 8. Tennessee Code Annotated, Section 67-4-1610(b)(1)(A), is amended by deleting the language "to such county to be used for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to such county to be used for illegal waste tire dumping enforcement, waste tire

removal, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for other purposes".

SECTION 9. Tennessee Code Annotated, Section 67-4-1610(b)(1)(B), is amended by deleting the language "to the county through additional grants, unrelated to the tire grant contract, for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to the county through additional grants, unrelated to the tire grant contract, for illegal waste tire dumping enforcement, waste tire removal, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for other purposes".

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it.